

ADELMAN MATZ P.C.
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Attorneys for Defendant SUSAN SARANDON

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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ARTHUR BALDER,

Plaintiff,

Case No.: 1:22-cv-6401

- against -

SUSAN SARANDON,

Defendant.

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NOTICE OF REMOVAL

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant SUSAN SARANDON (“Defendant”), by and through her attorneys ADELMAN MATZ P.C., hereby removes to this Court the state court action described below.

This civil action is within the original jurisdiction of this court and may therefore be removed to this court pursuant to 28 U.S.C. § 1441, in that:

1. On May 24, 2022, a civil action was commenced by Plaintiff ARTHUR BALDER (“Plaintiff”) in the Supreme Court of The State of New York, County of New York, entitled *Arthur Balder v. Susan Sarandon*, Index Number 656451/2022 (the “State Action”), by the filing of the Summons and Verified Complaint against Defendant. A true and correct copy of the Summons and Verified Complaint are annexed hereto as Exhibit A (the Verified Complaint at Exhibit A is hereinafter referred to as the “Verified Complaint”).

2. The Verified Complaint asserted claims of (a) tortious interference with contract; (b) tortious interference with prospective business advantage; (c) civil conspiracy; and (d) promissory estoppel, and seeks money damages in the amount of no less than \$6,000,000.00, together with pre- and post-judgment interest as allowed by law, as well as punitive damages against Defendant.

3. The Defendant has not been properly served or joined in the State Action. However, Plaintiff has electronically filed an affidavit of service on Defendant via NYSCEF, which is attached hereto as Exhibit B. The service attempts on the Defendant detailed in the affidavit of service do not constitute proper service as Plaintiff failed to properly serve Defendant in accordance with C.P.L.R. § 308(2) and/or (4), instead only mailing a copy of the Verified Complaint to the Defendant's alleged domicile. Further, mailing the Verified Complaint to and attempting service on someone in the mail room, who is not an agent designated for service by Defendant, at an alleged talent agency, which is not Defendant's place of business, was not proper service. As such, the Defendant was not properly served or joined in the State Action pursuant to CPLR § 308.

4. This Court has original jurisdiction of the action based on diversity of citizenship pursuant to 28 U.S.C. §1332(a) and 28 U.S.C. §1441, as the amount in controversy exceeds \$75,000.00, and Plaintiff resides in New Jersey, while Defendant resides in New York. The action may therefore be removed to this Court pursuant to 28 U.S.C. §1441(a) as this Court has original jurisdiction over these claims in the Verified Complaint, and Defendant has not been properly served or joined in the State Action.

5. This notice of removal is timely. The Defendant has the right to file this notice within thirty (30) days from the service or receipt of the Verified Complaint. This thirty (30) day

period has not begun to run as Defendant has not been properly served or joined in the action, and as such has also not elapsed.

6. Written notice of filing of this Notice of Removal will be given to Plaintiff, and a copy will be filed in the appropriate State court, as required by 28 U.S.C. § 1446(d).

7. In filing this Notice of Removal, the Defendant does not waive any defenses that may be available to her.

WHEREFORE, the Defendant prays that this action be removed to the UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK.

Dated: New York, New York
July 27, 2022

ADELMAN MATZ P.C.

By :
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